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Letter dated 15 November 2018 from the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant addressed to the President of the Security Council

I have the honour to transmit herewith, in accordance with paragraph 15 of Security Council resolution 2379 (2017), the first report on the activities of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant.

I would be grateful if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Karim Asad Ahmad **Khan**
Special Adviser and Head of the Investigative Team

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First report of the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant

Summary

The first report on the activities of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant is submitted pursuant to Security Council resolution 2379 (2017).

Through that resolution, the Security Council responded unanimously to a request from the Government of Iraq for assistance in its efforts to hold members of the so-called Islamic State in Iraq and the Levant (ISIL), also known as Da'esh, accountable for its crimes. Noting that the terrorist acts of ISIL constitute a global threat to peace and security, the Council requested the Secretary-General to establish an independent investigative team to support domestic accountability efforts by collecting, preserving and storing evidence in Iraq of acts that might amount to war crimes, crimes against humanity and genocide committed by ISIL in Iraq.

Since the appointment of Karim Asad Ahmad Khan as the Special Adviser and Head of the Investigative Team on 13 July 2018, significant preparatory steps have been taken in pursuit of the implementation of this mandate.

In order to provide a clear framework for decision-making and prioritization as the Investigative Team begins to build core infrastructure and capacity, the Special Adviser has developed an initial strategic vision with respect to the activities of the Team. In parallel, the Investigative Team has sought to put in place the financial, logistical and administrative measures necessary to facilitate the commencement of its substantive work.

As a result of those efforts and based on the support of key partners within the United Nations system, the initial elements of the Investigative Team were deployed to Baghdad on 29 October 2018.

However, while meaningful preparatory steps have been taken, the Investigative Team remains cognizant of the numerous challenges intrinsic to its mandate. The complexity of the operational and security environment in Iraq as well as the continued threat posed by ISIL in some parts of the country will require innovative logistical and operational solutions.

Key to addressing those challenges will be the capacity of the Investigative Team to engender support, respect and trust from those most impacted by the crimes of ISIL. In recognition of this, the Investigative Team has sought, during the formative stages of its work, to engage meaningfully with key national actors, prioritizing in particular the development of a strong working relationship with the Government of Iraq.

The preparatory work of the Investigative Team will now continue in Iraq. As it enters this new phase of its activities, the Team counts on the continued support of the international community.

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I. Introduction

1. The first report on the activities of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant is hereby submitted to the Security Council.

2. On 21 September 2017, in response to a call for assistance from the Government of Iraq, the Security Council requested the Secretary-General to establish the Investigative Team to support domestic efforts to hold the Islamic State in Iraq and the Levant (ISIL) accountable for its crimes by collecting, preserving and storing evidence in Iraq of acts that might amount to war crimes, crimes against humanity and genocide. On 14 February 2018, following their acceptance by the Government of Iraq, the Council approved the terms of reference for the activities of the Investigative Team in Iraq (S/2018/118, annex).

3. Upon the adoption of the terms of reference, and prior to the appointment of Karim Asad Ahmad Khan as the Special Adviser and Head of the Investigative Team by the Secretary-General on 13 July 2018, the United Nations Secretariat worked to put in place the steps, measures and arrangements necessary for the full functioning of the Team. The Department of Political Affairs, the Department of Field Support and the Office of Legal Affairs, in particular, undertook significant preparatory work in support of the establishment of the Team. The Investigative Team would like to express its sincere thanks to these Offices and Departments for their invaluable work and for the advice, guidance and support they continue to provide in the initial phases of its activities.

4. Since the formal commencement of its activities on 20 August 2018, the Investigative Team has developed a strategic vision and initial operational priorities for the implementation of its mandate, engaged with a broad range of relevant stakeholders, put in place the logistical and administrative measures necessary to facilitate its initial work and submitted a proposed budget to the General Assembly for its consideration. The Investigative Team has prioritized, in particular, the development of a cooperative and collaborative relationship with the Steering Committee designated by the Government of Iraq to ensure effective cooperation with the Investigative Team.

5. These preparatory activities culminated in the deployment of the initial elements of the Investigative Team to Baghdad on 29 October 2018, marking the beginning of a crucial new phase in its work.

6. In developing its vision and initial budget, the Investigative Team has sought to ensure that they reflect the staffing, logistical and infrastructural components needed for the Team to conduct its investigative activities to the highest possible standards, in line with the mandate provided by the Security Council, and thereby maximize the potential use of its evidentiary material in domestic proceedings. By establishing the Investigative Team as an objective source of evidentiary material, collected in accordance with best practice and international standards, it is hoped that existing accountability processes will be enhanced, new proceedings commenced, and the basis for broader reconciliation and stabilization efforts strengthened.

7. The present report sets out the guiding principles and core activities of the Investigative Team, the progress made to date in their realization, and the key priorities of the Team as it continues preparatory work in Iraq.

II. Mandate of the Investigative Team

A. The crimes of the Islamic State in Iraq and the Levant and the call for accountability

8. Between June 2014 and December 2017, ISIL captured, controlled and operated with impunity over large swathes of territory in Iraq, committing grave abuses of international human rights law, international criminal law and international humanitarian law — acts that may amount to war crimes, crimes against humanity and genocide.

9. The subsequent liberation of large areas of Iraq from the control of ISIL has exposed the magnitude of the crimes inflicted on the inhabitants of these territories. Witness testimony has revealed a plethora of abuses committed against the populations under ISIL control, including executions, torture, amputations, ethno-sectarian attacks, rape and sexual slavery imposed on women and girls. Thousands of children have become victims, witnesses and forced perpetrators of ISIL atrocities. To date, more than 200 mass graves containing the remains of thousands of men, women and children have been discovered in areas formerly controlled by ISIL. These large-scale crime scenes are sites of harrowing human loss, profound suffering and shocking cruelty.

10. As ISIL has been driven from its strongholds in Iraq, the international community has emphasized the crucial importance of holding senior members accountable for the crimes they have committed, on the basis of objective, evidence-based investigation and analysis. It has also recognized that the detailed and factual presentation of ISIL atrocities in fair and transparent criminal proceedings will be central to efforts aimed at undermining the ideological underpinnings of the ISIL movement, and thereby reducing the ability of its form of violent extremism to spread further.

11. It is in this context that on 9 August 2017, the Government of Iraq called for the assistance of the international community in ensuring that members of ISIL were held accountable for their crimes in Iraq, including where they might amount to crimes against humanity (S/2017/710).

B. A collective response by the international community

12. The international community responded to this call for assistance with one voice, unanimously adopting Security Council resolution 2379 (2017), by which it requested the Secretary-General to establish an investigative team, headed by a Special Adviser, to support domestic efforts to hold ISIL accountable by collecting, preserving and storing evidence in Iraq of acts that might amount to war crimes, crimes against humanity and genocide committed by the terrorist group ISIL (Da'esh) in Iraq.

13. The Security Council emphasized that in implementing its mandate, the Investigative Team must be impartial, independent and credible and act consistently with the Charter of the United Nations, United Nations best practices and relevant international law, including international human rights law. In order to ensure the broadest possible use of the evidence collected by the Investigative Team before national courts, the Council also requested that the Investigative Team conduct its work to the highest possible standards.

14. A cooperative and respectful relationship with the Government of Iraq is central to the mandate of the Investigative Team. While established as an independent,

impartial accountability mechanism, it has been mandated by the Security Council to conduct its work in a manner complementing investigations carried out by the national authorities of Iraq and with full respect for the country's sovereignty. In support of the development of this cooperative relationship and in order to ensure that the Team benefits from an in-depth understanding of the relevant legal, political and social context in Iraq, the Council underlined that Iraqi investigative judges and other criminal experts should be appointed to serve on the Team on an equal footing with its international personnel.

15. The terms of reference regarding the activities of the Investigative Team in Iraq, as approved by the Security Council on 13 February 2018, provide an enhanced framework for cooperation and collaboration between the Government of Iraq and the Investigative Team in the implementation of the Team's mandate, while underlining the impartial and independent nature of its work.

16. Reflecting the global impact and reach of ISIL terrorist activities, as well as its extensive recruitment of foreign terrorist fighters, the Security Council requested the Special Adviser to promote, throughout the world, accountability for acts that may amount to war crimes, crimes against humanity or genocide committed by ISIL, and to work with survivors to ensure that their interests in achieving accountability are fully recognized.

17. In further recognition of the global nature of ISIL crimes, the Security Council underlined that another Member State in whose territory ISIL had committed acts that might amount to war crimes, crimes against humanity or genocide, could request the Team to collect evidence of such acts, following the approval of the Council.

III. Vision of the Investigative Team

A. Guiding principles and core activities

18. In order to provide a clear framework for decision-making and prioritization as the Investigative Team begins to build core infrastructure and capacity, the Special Adviser has developed an initial strategic vision with respect to the investigative activities of the Team, in line with resolution 2379 (2017) and the terms of reference. Based on consultations with a broad range of stakeholders both in Iraq and globally, the strategic vision is composed of a set of guiding principles and clearly defined core activities. In delivering his vision, the Special Adviser is committed to harnessing the talents of both national and international staff members and leveraging existing United Nations assets wherever possible.

Guiding principles of the Investigative Team

19. Grounded in the existing normative framework governing the activities of the Investigative Team, the guiding principles set out below will be used to ensure clarity of vision and consistency of decision-making as the Team develops its operational capacity.

Principle 1: Operating with impartiality and independence

20. The Investigative Team was established by the Security Council as an independent, impartial accountability mechanism. Its ability to operate in accordance with that imperative will be crucial in ensuring the credibility of its investigative activities. The Team will ensure that its work, while benefiting from collaboration and cooperation with the Government of Iraq and other entities, is conducted in line with this principle.

21. In addition, the Investigative Team will remain vigilant in ensuring that its actions are aligned with the principles of the Charter of the United Nations and United Nations policies and best practice.

Principle 2: Fostering collective support in Iraq

22. Effective cooperation and communication with all relevant national stakeholders in Iraq will be crucial to the implementation of the activities of the Investigative Team. Engendering support and conducting outreach across Iraqi society will be central to building trust and thereby also gaining access to an important pool of putative witnesses. Fostering a collective understanding of the mandate of the Team will also enhance its ability to support broader reconciliation efforts within Iraq.

23. As outlined below, the Investigative Team has sought to prioritize the development of relationships with the Government of Iraq, religious minority groups, non-governmental organizations and other key national stakeholders.

Principle 3: Adhering to international standards and best practices

24. The Investigative Team will conduct its work to the highest possible standards to ensure the broadest possible use of evidence collected before national courts. It will develop standing operating procedures that reflect such standards, while ensuring that they are adapted to the Iraqi context. If it is known that particular pieces of evidence will serve to support ongoing proceedings of third States, the Team will also endeavour to ensure that such evidence is collected, preserved and stored with due regard to the procedural and evidential rules of that State. The Team will further seek to ensure that it avails itself of innovative technological tools and analytical techniques in conducting its work.

25. As reflected below, the Investigative Team has already taken initial steps with respect to the development of the standing operating procedures, as well as the physical and technological infrastructure required for the receipt, collection, storage and preservation of information received. The Team has submitted a budget to the General Assembly that will allow it to conduct its work in accordance with international standards.

Principle 4: Focusing on those who bear the greatest responsibility

26. The Investigative Team will focus its initial investigative efforts on those most responsible for the atrocities committed by ISIL, including through the ordering of such acts. This will necessitate an emphasis on senior ISIL leadership, as well as regional or mid-level commanders.

27. As outlined below, the Investigative Team has already begun to establish working relationships with relevant national Governments, international and regional organizations and United Nations entities with a view to obtaining key existing documentary and testimonial evidence, on the basis of which investigative priorities can be developed in line with this principle.

Core activities of the Investigative Team

28. The realization of the mandate of the Investigative Team, in line with the terms of reference and the guiding principles, will require the implementation of a wide range of operational tasks.

29. To guide its initial steps in developing operational capacity and to provide clarity to all relevant stakeholders with respect to the anticipated scope of its work, the Investigative Team has identified five core operational activities, to be carried out in consultation and cooperation with the Government of Iraq.

30. Specifically, the Investigative Team will:

(a) Collect a broad range of existing documentary and testimonial evidence obtained from actors, including Iraqi national authorities, other national Governments, victims and witness groups, civil society bodies and international and regional organizations;

(b) Compile and analyse this evidentiary material to identify gaps that need to be filled;

(c) Conduct targeted field-based investigations to obtain physical, forensic and testimonial evidence that will serve to fill the gaps identified and support case development, through direct engagement with victims and witnesses;

(d) Preserve and store all evidentiary material collected by the Investigative Team in accordance with international standards;

(e) Produce comprehensive analytical case files capable of supporting domestic proceedings, both in Iraq and other Member States.

31. Initial work has already been undertaken by the Investigative Team with respect to the preliminary tasks necessary to enable the effective conduct of these activities.

32. Specifically, the Investigative Team has commenced work, supported by an expert consultant, on the development of standing operating procedures with respect to the collection, preservation and storing of evidence and material, chain of custody, data protection, information management, witness protection and witness security, and the sharing and handling of intelligence.

33. Plans have also been developed with respect to the physical and technological infrastructure needed to ensure the storage of documentary, forensic and digital information in accordance with international standards.

34. In the fulfilment of a number of the activities outlined above, there is an expectation that direct, field-based investigations and related tasks may be undertaken by the Investigative Team in highly complex operating environments. To that end, the Team is also giving full consideration to resulting safety and security issues and is seeking to ensure the allocation of appropriate resources to ensure that it can effectively plan and manage these activities while mitigating risks and protecting Team personnel when carrying out their duties.

35. As the Investigative Team continues its preparatory work in Iraq, it will prioritize the conversion of this initial strategic vision into a detailed implementation strategy governing its investigative activities in 2019.

Composition of the Investigative Team: harnessing national and international expertise

36. The Investigative Team must conduct its activities in accordance with the highest possible standards and in a manner that supports and is complementary to the efforts of Iraqi national authorities to investigate the crimes of ISIL. This dual focus, at once global and domestic, will require the Team to draw in equal measure on the expertise and experience of its international and national personnel.

37. The successful integration of Iraqi national professional personnel into the Investigative Team will, in particular, be essential in ensuring that the Team is able to conduct its work in a way that engenders the support of the Government of Iraq and the public more broadly, complements the investigative activities of Iraqi national authorities, produces evidence capable of supporting proceedings in Iraq and facilitates the effective conduct of its investigative activities.

38. Reflecting this, Iraqi nationals account for more than one third of the professional staff members in the proposed budget of the Investigative Team submitted to the General Assembly. Following the deployment of its initial elements to Baghdad, the Investigative Team commenced collaborative discussions with the Steering Committee regarding the identification of appropriate national personnel, who will work on an equal footing with international staff members, under the authority of the Special Adviser. In its most recent meeting, on 5 November 2018, the Steering Committee confirmed that a preliminary list of recommended candidates had been developed for consideration by the Special Adviser.

39. During the discussions, the Special Adviser and the Steering Committee also addressed the need to ensure that in appointing the Iraqi members of the Investigative Team, the Special Adviser achieved geographic diversity as well as gender, ethnic and religious balance. It was noted that such an approach would help to ensure that the Iraqi members of the Team reflected the diversity of Iraq itself and thereby help to secure support from the broader populace for the Team's activities and encourage victims and witnesses to come forward. It was recognized that all recruitment would be conducted in accordance with relevant United Nations rules, regulations, policies and procedures.

40. The objective of the Investigative Team is to foster a mutually supportive and symbiotic relationship between international and national staff members, with the international element developing greater expertise in Iraqi procedural law, investigative procedures and relevant domestic political, social and cultural factors, and the Iraqi element further enhancing its capacity with respect to the implementation of relevant international standards and best practices in the field of criminal investigations. Over time, this mutually beneficial exchange of expertise will serve to fuse the two elements into one cohesive unit with a collective identity and purpose, thereby significantly strengthening the capacity of the Investigative Team to deliver on its mandate.

41. In addition, the Investigative Team, in accordance with the terms of reference, will work with Member States as well as regional and intergovernmental organizations, with a view to facilitating the provision of expert personnel in order to further supplement and enhance its investigative capabilities. In doing so, the Team will seek to prioritize the engagement of staff members with competency in Arabic and with relevant regional expertise.

B. Delivering in collaboration with the Government of Iraq

42. Cooperation and collaboration with the Government of Iraq and all relevant national stakeholders will be crucial to the successful fulfilment of the mandate of the Investigative Team.

43. Reflecting this, during his initial mission to Iraq in August 2018, the Special Adviser prioritized the development of relationships with a broad range of key national actors, meeting with senior government officials, survivors, civil society groups and members of Christian, Shia, Sunni, Turkmen Shia, Kakai and Yazidi communities.

44. Following the official deployment of the initial elements of the Investigative Team to Iraq on 29 October 2018, it has sought to continue its constructive engagement with the Government of Iraq, as the primary intended recipient of the evidentiary material collected by the Team, with a view to establishing clear operational frameworks with national counterparts. In discussions, the Investigative Team has emphasized that, in accordance with paragraph 5 of resolution 2379 (2017),

it will operate with full respect for the sovereignty of Iraq and its jurisdiction over crimes committed in its territory.

45. In this regard, in the aforementioned meeting held between the Investigative Team and the Steering Committee on 5 November 2018, the Steering Committee underlined its support for the mandate of the Investigative Team as well as its commitment to working collaboratively in pursuit of the implementation of resolution 2379 (2017). Progress was also made in clarifying the mechanisms for cooperation between the Investigative Team and Iraqi national authorities moving forward.

46. This engagement with the Steering Committee, which includes representatives from a wide range of Iraqi Government departments and law enforcement bodies, represents a key element in ensuring the sustained support of the Government of Iraq for the activities of the Investigative Team.

47. The Special Adviser has also held productive meetings with a range of high-level officials in the Government of Iraq, including the Chief Justice, the Minister of Justice and the Minister for Foreign Affairs, in which full support for the mandate and activities of the Investigative Team was expressed. The Special Adviser has also met with key regional government representatives such as the Deputy Prime Minister and Minister of the Interior of the Kurdistan region of Iraq.

48. Following the recent elections held in Iraq, the Investigative Team has received assurances from the incoming Government that it will continue to support the work of the Team and will facilitate the cooperation of all relevant Iraqi national authorities in the implementation of its mandate.

49. With respect to the legal basis on which the Investigative Team will operate in Iraq, the terms of reference, as accepted by the Government of Iraq and approved by the Security Council in February 2018, provide a clear and stable overarching framework for initial cooperation between the Investigative Team and the Government. Paragraph 43 of the terms of reference confirms in particular that the Investigative Team, its personnel, records, archives, property and assets will enjoy the privileges and immunities, exemptions and facilities provided for in the Convention on the Privileges and Immunities of the United Nations of 13 February 1946.

50. Work is also being undertaken by the Office of Legal Affairs on the conclusion of a host country agreement between the United Nations and Iraq that would further clarify the legal framework governing the activities of the Investigative Team in Iraq, including with respect to privileges and immunities, medical facilities and security.

C. Protecting and supporting survivors

51. The Investigative Team will place survivors at the centre of its work, ensuring that their interests in achieving accountability are fully recognized, in line with paragraph 3 of resolution 2379 (2017).

52. The provision of appropriate protection and support that will allow victims to come forward with confidence in a safe, secure and professional environment that minimizes the risk of further trauma is key to ensuring that their voices can be heard and represents a crucial enabler for the investigative activities of the Team.

53. The need for such support was emphasized to the Special Adviser during his initial mission to Iraq in early August 2018, as part of which he met with survivors, non-governmental organizations and members of various communities affected by the violence of ISIL. This message was further reinforced by the Steering Committee

designated by the Government of Iraq in its most recent meetings with the Investigative Team.

54. With a view to ensuring the centrality of victims' interests in the conduct of its work, the Investigative Team intends to establish a specialized victim and witness protection unit, which will be responsible for providing advice and assistance to senior leadership in order to facilitate the delivery of appropriate support and ensure that no further harm is done in the process of obtaining testimony. The unit will, inter alia, advise on the standing operating procedures of the Investigative Team to ensure that they are aligned with international standards with respect to victim and witness protection; participate directly in the investigative activities of the Team to provide real-time guidance and thereby maximize the protection afforded to witnesses and victims; and advise on the political, legal, cultural and religious factors in Iraq relevant to the concerns and needs of victims.

55. The Investigative Team recently received a pledge from the Government of the Netherlands to the trust fund established pursuant to resolution 2379 (2017) to support the provision of specialized psychological support and assistance to witnesses and victims. This support will be delivered by specialized psychologists recruited by the Investigative Team for that purpose. The specialists will, in particular, prepare especially vulnerable victims and witnesses, including those subjected to sexual violence, as well as children, for their engagement with the Team, provide guidance and support during interviews, and identify and implement follow-up support measures.

56. Efforts have also been made to engage with a number of leading centres specializing in the provision of support to trauma victims, and it is anticipated that experts from those institutions will play a role in the development of the standing operating procedures of the Investigative Team in this field, drawing on international best practices.

D. Support of the United Nations Assistance Mission in Iraq

57. The Investigative Team, while ensuring its independence, is also committed to working closely with the United Nations Assistance Mission in Iraq (UNAMI) in order to prevent duplication of effort and maximize the leveraging of existing resources.

58. The Investigative Team has already made use of the extensive support offered by UNAMI, in particular with regard to the facilitation of its deployment to Baghdad in October 2018. The support of the Mission has been instrumental during the initial phase of the Team's work in Iraq and will continue to be critical as it moves forward. To that end, members of the Investigative Team are engaging with UNAMI counterparts to establish the parameters for their future working relationship.

Support services

59. As outlined in the budget submitted to the General Assembly, the administrative support staff of the Investigative Team will largely be embedded in UNAMI, within the mission support structure, both in Baghdad and in the Kuwait Joint Support Office. Creating an integrated structure will allow for the joint provision of support services to UNAMI and the Investigative Team, optimizing the use of existing resources on the ground, preventing potential overlap or duplication between two parallel structures and reducing the need for additional layers of staff. Under this plan, services required by the Investigative Team that are not covered by the embedded staff will be provided by UNAMI on a standard cost-recovery basis.

Security services

60. While retaining specific capacities to enable its core activities, the Investigative Team will also enter into a cost-sharing arrangement for security services. Significant support has already been provided by UNAMI, including through the provision, on a cost-recovery basis, of armoured vehicles and close protection security staff, along with the necessary arms, ammunition and protective equipment. The Team is also working closely with UNAMI to ensure coherence with respect to crisis management functions.

Premises of the Investigative Team

61. In cooperation with UNAMI, the Investigative Team has identified premises previously used by the Mission that are now being refurbished to accommodate its needs on a permanent basis. This will also enable the sharing of costs with respect to relevant security infrastructure at the refurbished site.

62. It is anticipated that the refurbishment of the premises will be completed in February 2019. In the interim period, prior to the completion of its permanent premises, the Investigative Team has set up a functioning office in temporary premises elsewhere within the Green Zone in Baghdad.

63. The common objective in collaborating with UNAMI is to ensure the provision of tailored support and facilities while leveraging the existing scale of the Mission. The result will be a support platform and physical infrastructure that maximizes efficiency while preserving authority and accountability.

E. Promoting accountability globally

64. The Special Adviser has also begun to develop plans with respect to his mandate to promote global accountability for acts that may amount to atrocity crimes committed by ISIL. To that end, in 2019, the Special Adviser intends to conduct a number of awareness-raising activities and consultations with Member States, international organizations and victims' groups.

65. Specifically, the Special Adviser intends to host a series of meetings or conferences in order to promote the engagement of national authorities in efforts to hold ISIL accountable for atrocity crimes. These forums will be used to identify common challenges in the prosecution of such cases and explore how the investigative activities of the Team can be conducted in a way that maximizes the potential use of its evidentiary material in domestic proceedings. In addition, a set of interactive sessions will be held with concerned non-governmental organizations and victims' groups as part of the Special Adviser's efforts to ensure that their voices are heard as part of the accountability process.

66. Beyond these activities, the Special Adviser will work to ensure that a dynamic and effective communications strategy is put in place to clearly convey the mandate of the Investigative Team globally and highlight the need for ISIL members to be held accountable. As part of the strategy, the Team will shortly commence the development of its official website, which will present the mandate and activities of the Investigative Team, provide a portal for the transmission of information and evidentiary material and make available specialized resources with respect to the protection of victims and witnesses.

IV. Cooperation in support of the activities of the Investigative Team

67. The Investigative Team cannot conduct its work in isolation. In meeting the significant challenges that the implementation of its mandate will present, it will seek to partner with a broad range of entities to leverage their expertise, experience and resources and ensure that duplication is minimized. The Investigative Team has already made significant progress in the development of institutional relationships with bodies both within and outside the United Nations system.

68. In developing such cooperative modalities, the Investigative Team remains cognizant of the confidentiality requirements with respect to information it obtains as part of its investigative activities.

A. Ensuring coherence with United Nations system entities

69. The mandate of the Investigative Team addresses a number of areas in which other United Nations system entities are already conducting valuable work. In recognition of this, the Team has engaged proactively with a range of key entities in order to ensure complementarity of effort and coherence of approach.

70. Paragraph 36 of the terms of reference regarding the operation of the Investigative Team in Iraq emphasizes the importance of such cooperation, providing that the United Nations and all its funds and offices will, within their respective mandates, fully cooperate with the Investigative Team and promptly respond to its requests, including for access to information.

Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and the Analytical Support and Sanctions Monitoring Team established pursuant to resolutions 1526 (2004) and 2368 (2017)

71. In paragraph 12 of its resolution 2379 (2017), the Security Council requested the Investigative Team to cooperate, as appropriate, and consistent with its investigative functions, with the Analytical Support and Sanctions Monitoring Team established pursuant to resolutions 1526 (2004) and 2368 (2017). In the light of the important work undertaken by the Sanctions Committee and the Analytical Support and Sanctions Monitoring Team with respect to the analysis of ISIL activities, structure and financing, such cooperation could potentially be of significant support to the work of the Investigative Team.

72. On 17 October 2018, following an exchange of correspondence with the Chair of the Sanctions Committee, the Special Adviser provided a briefing to the Committee on the mandate and activities of the Investigative Team, as well as potential areas for cooperation. Positive discussions were held with the Committee following the Special Adviser's initial presentation, and it is anticipated that further steps will be taken in the near future so as to put in place a strong basis for future cooperation.

Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict, Office on Genocide Prevention and the Responsibility to Protect and Office of the Special Representative of the Secretary-General for Children and Armed Conflict

73. The respective mandates and activities of the Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict, the Office

on Genocide Prevention and the Responsibility to Protect and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict provide important opportunities for productive cooperation and coordination with the Investigative Team. Such cooperation may include the provision by these Offices of technical advice on international best practices with respect to the areas addressed by their respective mandates; the provision of information of relevance to the Team's investigative activities; the delivery of thematic briefings between the Investigative Team and the Offices with respect to issues within their respective mandates; and the establishment of effective liaison mechanisms between the field-based staff of the Offices and the personnel of the Investigative Team.

74. To that end, the Special Adviser has already discussed concrete ideas for cooperation with the respective Special Representatives and Advisers. These discussions have been followed up at the working level, including with the Team of Experts on the Rule of Law and Sexual Violence in Conflict, and specific modalities are presently being developed with a view to establishing a clear and sound basis for future cooperation.

United Nations Office on Drugs and Crime

75. In the light of the long-standing work of the United Nations Office on Drugs and Crime with the Government of Iraq in the fields of judicial cooperation and law enforcement and, in particular, given its recent capacity-building activities with respect to the prosecution of ISIL members, the Office will be an important partner in ensuring the delivery of effective technical assistance to the Government of Iraq, in line with paragraph 9 of resolution 2379 (2017).

76. The Special Adviser has already exchanged correspondence with the Executive Director of the United Nations Office on Drugs and Crime identifying initial areas of cooperation in support of the fulfilment of their respective mandates. This was followed by more detailed discussions at the working level, with specific cooperation modalities currently being developed.

Counter-Terrorism Committee and Counter-Terrorism Committee Executive Directorate

77. The Investigative Team will also seek to draw on the knowledge and experience of the Counter-Terrorism Committee, as assisted by the Counter-Terrorism Committee Executive Directorate, which has extensive experience in conducting expert counter-terrorism capacity assessments of Member States and facilitating the delivery of technical assistance to meet identified needs, including with respect to the investigation and prosecution of ISIL members.

78. Following a meeting between the Special Adviser and the Assistant Secretary-General and Executive Director of the Counter-Terrorism Committee Executive Directorate, the Investigative Team is now holding working-level discussions with the Executive Directorate, in which initial avenues for cooperation are being explored. The Special Adviser will provide a briefing to the Committee in the near future to outline how the Investigative Team could most effectively collaborate with both the Committee and its Directorate.

Office of Counter-Terrorism

79. As the United Nations entity responsible, inter alia, for enhancing coordination and coherence within the United Nations system with respect to counter-terrorism and the prevention of violent extremism as and when conducive to terrorism, the Office of Counter-Terrorism represents an important cooperation partner.

80. The Special Adviser has already met with the Under-Secretary-General of the Office of Counter-Terrorism, and the Investigative Team is now engaging actively at the working level to identify ways in which collaboration could strengthen efforts to raise global awareness of the need for accountability with respect to the crimes committed by ISIL, as well as support the Iraqi national authorities through the coordinated delivery of technical assistance activities across the United Nations system.

United Nations Mine Action Service

81. The United Nations Mine Action Service has extensive explosive hazard management capacity on the ground in Iraq, on which the Investigative Team intends to draw with respect to the removal of any explosive remnants of war required in the exercise of its mandate. The Investigative Team has met with the Mine Action Service at Headquarters and in Baghdad and a draft framework agreement is being developed.

Office of the United Nations High Commissioner for Human Rights and Human Rights Office of the United Nations Assistance Mission for Iraq

82. In the exercise of their mandates, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the UNAMI Human Rights Office have developed substantial knowledge with respect to a number of areas of relevance to the mandate of the Investigative Team.

83. These entities may, in particular, be able to provide information and advice with respect to completed trials of ISIL defendants relevant to the mandate of the Investigative Team; actor mapping and defendant mapping; issues addressed in the recently published UNAMI report on mass graves; and the logistical, security and political challenges faced when carrying out activities in the field in Iraq.

84. The Investigative Team will also work with OHCHR and UNAMI to facilitate the transmission of information gathered by their offices regarding potential atrocity crimes committed by ISIL in Iraq.

B. Engaging Member States

85. The mandate of the Investigative Team stems from the unanimous recognition by the international community of the need for collective action in support of domestic efforts to hold ISIL accountable for its crimes. The Team has sought to consolidate and build further on this support through proactive engagement with Member States.

86. Significant efforts have been made, in particular, to engage with representatives of Member States to Iraq. In that regard, the Special Adviser held productive discussions during his first mission to Baghdad with a number of Member States, in which he outlined the mandate of the Investigative Team and identified how States may, on an individual and collective level, be able to provide further assistance and support with respect to its activities. Prior to deployment to Iraq, the Special Adviser also engaged with Member States at United Nations Headquarters in New York, including through a set of productive meetings with representatives from neighbouring States of Iraq and members of the Security Council in which clear support was expressed for the mandate of the Investigative Team.

87. Member States also represent one of the key sources of information and evidentiary material for the Investigative Team. In that regard, the Team has held preliminary discussions with a number of national authorities with a view to putting in place the legal and practical frameworks necessary to facilitate the transfer of such

information. This engagement is underpinned by paragraph 10 of resolution 2379 (2017), pursuant to which the Security Council called on Member States to cooperate with the Team, including through mutual arrangements on legal assistance, and in particular to provide it with any relevant information they might possess, as appropriate, pertaining to its mandate.

88. Pursuant to paragraph 14 of resolution 2379 (2017), the Investigative Team is also liaising with a number of States that have expressed an interest in providing equipment, services and other resources to the Team, including expert personnel, in support of the implementation of its mandate.

C. Cooperating with other entities

89. The development of productive institutional relationships with entities outside the United Nations system will also be critical to the successful implementation of the mandate of the Investigative Team, providing a framework within which it can gain access to evidentiary information and harness the expertise and resources of such bodies.

90. During the initial stages of its work, the Investigative Team has engaged proactively with a number of relevant entities, including international organizations, non-governmental bodies, private sector entities and academic institutions. The Team will look to expand this network in the coming months.

International and regional organizations

91. In its initial interactions with international and regional organizations, the Investigative Team has sought to prioritize the development of relationships with bodies that may serve as an effective entry point for cooperation with relevant national authorities that may be in a position to provide information of relevance to its mandate. The Team has also focused on fostering cooperative modalities with the organizations that are best placed to provide appropriate legal assistance and capacity-building to the Government of Iraq in order to strengthen its courts and judicial system, pursuant to paragraph 9 of resolution 2379 (2017).

92. In this regard, the Investigative Team has sought to engage collaboratively with the International Criminal Police Organization (INTERPOL), which works closely with Iraq as one of its member countries, including through the provision of support in the collection, processing, consolidation and dissemination of counter-terrorism information held by Iraq. In that respect, the Team has held positive discussions with INTERPOL with a view to identifying potential avenues for cooperation, and specific cooperation modalities are now being considered.

93. Work has also been undertaken to develop cooperative modalities with the European Union Agency for Law Enforcement Cooperation (Europol). In that regard, the Special Adviser met with the Executive Director and other senior members of Europol on 12 November 2018 in The Hague, presenting the mandate and strategic vision of the Investigative Team and holding positive discussions regarding potentially productive avenues for cooperation.

Non-governmental organizations

94. In accordance with the terms of reference, the Investigative Team also intends to engage with non-governmental organizations with a view to benefiting from their expertise, gaining access to relevant evidentiary material and ensuring that the voices of all relevant stakeholders are heard as part of its work.

95. In this regard, the Investigative Team has engaged with the Commission for International Justice and Accountability, a non-governmental research body with significant experience in the investigation of potential atrocity crimes committed by ISIL. This cooperation has included the transmission of relevant evidentiary material to the Team and discussions on best practices with respect to the forensic analysis of major crime scenes, including mass graves.

96. The Investigative Team has also recently signed a memorandum of understanding on cooperation with the Counter Extremism Project, a non-governmental organization with expertise in the analysis of extremist ideologies. Pursuant to this cooperation, in October 2018, the Counter Extremism Project provided an in-depth briefing to the Team on current ISIL activities in Iraq and globally.

97. As noted above, the Special Adviser also met with a number of national non-governmental and civil society organizations during his initial mission to Iraq in August 2018 and, following the deployment of the initial elements of the Investigative Team to Iraq in October, will now seek to further strengthen those relationships.

Private sector entities

98. By engaging with the private sector in support of the implementation of its mandate, the Investigative Team can benefit from cutting-edge expertise, technological tools and operational practices and thereby significantly enhance its ability to produce evidentiary material compatible with international standards.

99. Reflecting the utility of engaging with the private sector in pursuance of the mandate of the Investigative Team, paragraph 9 of the terms of reference provides that agreements may be entered into with corporations in order to gain access to safe, secure and reputable services and facilities that can support it in these tasks.

100. To date, the Investigative Team has identified a number of ways in which such cooperation could support its work, including with respect to the processing of DNA samples in-country and the mapping of open-source material relevant to its investigations. Such cooperation will be conducted in a way that fully respects the confidentiality requirements applicable to the evidentiary material obtained by the Team.

Academic institutions

101. Universities and other academic research centres also represent a significant potential source of expertise and evidentiary material, which the Investigative Team will seek to draw upon in the implementation of its mandate. In the early phases of its work, the Team has sought to foster cooperation with institutions specializing in such fields as international humanitarian law, international terrorist networks, violent extremism and witness protection and support. On his initial mission to Iraq in August 2018, the Special Adviser also held productive discussions with the Dean of Baghdad University.

102. It is the intention of the Investigative Team to expand its cooperative activities with academic institutions in the coming months.

V. Funding and resources

103. Through paragraph 2 of its resolution, the Security Council tasked the Investigative Team with conducting its investigative activities in Iraq to the highest possible standards so as to ensure the broadest possible use of its evidence before

national courts. These activities will often be carried out in challenging logistical and security environments and will require resources commensurate with both their complexity and the standards to which the Council has requested that they be conducted.

104. In recognition of this, the Security Council has requested that resources be made available to the Investigative Team from the assessed contributions of Member States to the Organization. In November 2018, the Secretary-General included the initial budget for the Investigative Team as part of the estimates for consideration by the General Assembly at its current session (A/73/352/Add.6). The budget proposal presents a streamlined organizational structure and contains the core staffing and resource requirements necessary for the Team to conduct its investigative and analytical activities in accordance with international standards, pursuant to the mandate set by the Council.

105. Following the establishment of the Investigative Team and prior to the approval of the budget by the General Assembly, interim funding has been provided under the authority granted to the Secretary-General by the Assembly relating to unforeseen and extraordinary expenses. These funds have been used to support the initial preparatory activities of the Team as outlined in the present report.

106. Pursuant to paragraph 13 of resolution 2379 (2017), the Secretary-General has established a trust fund to receive voluntary contributions in support of the implementation of the mandate of the Investigative Team, as a supplement to financing provided through the general budget of the Organization. Upon the establishment of the trust fund, a generous contribution was made by the Government of the United Kingdom of Great Britain and Northern Ireland, which has been crucial in supporting key infrastructural and operational start-up costs. More recently, a further contribution was received from the Government of Qatar, for which the Investigative Team also expresses its gratitude.

107. Moving forward, the Investigative Team will require contributions from Member States and other entities to support supplementary, specialized activities in furtherance of its mandate. Potential areas of activity that have been identified for financing through contributions to the trust fund include the forensic analysis of mass grave sites, the related removal of explosive remnants of war, the provision of enhanced support to victims and witnesses and the use of advanced technological tools to support DNA and broader forensic analysis of evidentiary material. Such activities will be developed and conducted in close consultation with the Government of Iraq.

108. In accordance with paragraph 14 of resolution 2379 (2017), the Investigative Team encourages contributions of funds, equipment and services from States and regional and intergovernmental organizations in support of the implementation of its mandate.

VI. The way forward: priorities of the Investigative Team

109. Based on its preparatory activities to date and reflecting the consultations it has held with the Government of Iraq, other key national stakeholders and relevant United Nations and external entities, the Investigative Team has identified a set of key priorities for action over the next six months.

110. With respect to the establishment of its core infrastructure in Iraq, the Investigative Team will prioritize the completion of the refurbishment of the buildings to be used as its official premises and install key physical and technological

equipment in order to facilitate the storage and preservation of evidentiary material in line with international standards.

111. Regarding its investigative activities, in order to establish an actionable framework for this work, the Investigative Team will develop a detailed implementation strategy, in line with its guiding principles and in consultation with the Government of Iraq and other key national stakeholders. As a further key step in operationalizing its work, the Team will finalize its standing operating procedures and continue to put in place the requisite staffing so that it can begin to conduct key information-collection and analytical tasks.

112. In order to provide a substantive basis for the prioritization of investigative activities, and following the establishment of the necessary information storage infrastructure, the Investigative Team will prioritize the collection and analysis of existing documentary and testimonial evidence made available by the Government of Iraq, other Member States, victims' groups, international organizations and non-governmental bodies. This will also require the strengthening of institutional relationships with such entities in order to facilitate the transmission of relevant information. In addition, the Team will conduct an initial mapping exercise of available open-source material, with a view to identifying priority areas for more detailed research and the collection of information.

113. Lastly, the Investigative Team will establish a capacity to conduct targeted field-based investigative activities in order to fill identified evidentiary gaps. This will require the necessary staffing, logistical, security and oversight infrastructure to be put in place, to ensure that the Team is able to plan and manage its operational tasks and components.

114. With respect to the promotion of the accountability of ISIL globally, the Special Adviser will conduct initial outreach activities to relevant non-governmental and civil society bodies, including victims' groups, seeking to identify key messages that he can amplify through his role as Head of the Investigative Team. An initial set of meetings will also be held with national authorities of Member States to identify common challenges and potential areas for cooperation with respect to the prosecution of members of ISIL. A website for the Investigative Team will be established to provide a public platform for the global promotion of accountability and allow for the transmission of relevant evidentiary material.

115. An update will be provided to the Security Council on the progress made with respect to these priorities, as well as the broader activities of the Investigative Team, in the next report on the activities of the Team in May 2019.

VII. Conclusion

116. As reflected in the present report, the Investigative Team has worked intensively over the past three months to establish a solid initial foundation for its future work.

117. Significant progress has been made during this period, with an initial strategic vision developed, core logistical, security and substantive needs identified, a budget formulated and key stakeholders engaged. As a result of these initial activities and based on productive collaboration across the United Nations system, the Investigative Team is now in a position to continue its preparatory activities on the ground in Iraq, in close cooperation with the national Government.

118. In continuing such work, the Investigative Team will continue to be guided by resolution 2379 (2017), the terms of reference and the strategic vision of the Special Adviser outlined in the present report. The Team looks forward in the coming weeks

and months to converting this vision into a concrete, actionable implementation strategy and continuing to put in place the staffing, infrastructure and logistical capacities necessary to support the anticipated operational activities of the Team. On the basis of this work, it is anticipated that the Investigative Team will be in a position to commence investigative activities within the first quarter of 2019.

119. However, while much progress has been made, the Investigative Team must also strike a note of realism and recognize the numerous challenges to be faced in the coming months. The complex and evolving environment in which the Team will be required to conduct much of its work, combined with the need for its activities to be carried out in accordance with the highest possible standards, will require innovative logistical and operational solutions. In recognition of this, the Team has presented a budget to the General Assembly which it believes will provide it with the resources needed to mitigate and effectively address these potential challenges, while ensuring a streamlined structure and efficient use of resources and leveraging existing expertise and infrastructure wherever possible.

120. In addition to the provision of the requisite resources, the ability of the Investigative Team to address these challenges effectively will depend on its ability to maintain the trust and support of the people of Iraq. For that reason, it sought, at the outset of its work, to proactively engage with a diverse range of national actors, including the Government of Iraq, victims' groups, religious organizations and civil society bodies.

121. In its discussions with all of the above groups, the Investigative Team heard a clear and common call for the members of ISIL to be held accountable for its crimes. This is a demand made in unity across religious groups, regional borders and political divisions. It is this spirit of common purpose in the pursuit of accountability that the Investigative Team will seek to harness and further foster as it commences the next phase of its work in Iraq.